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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
Plaintiff,	)	No. <b>12-CR-81-F</b>
	)	
v.	)	
	)	
<b>PAUL D. CARDWELL,</b>	)	
	)	
Defendant.	)	

**MOTION TO VACATE TRIAL SETTING**

The United States of America, by and through its attorney, Lisa E. Leschuck, Assistant United States Attorney for the District of Wyoming, moves for an order vacating the trial setting of September 18, 2012. As grounds for this motion, the government respectfully submits the following:

1. On March 15, 2012, an Indictment was filed against Defendant Paul D. Cardwell and his co-defendant Michael J. Plake, charging them with conspiracy to commit mail and wire fraud in violation of 18 U.S.C. § 1349; conspiracy to commit money laundering in violation of 18 U.S.C. §

1956(h); mail fraud in violation of 18 U.S.C. § 1341; and wire fraud in violation of 18 U.S.C. § 1343.

2. On March 27, 2012, Defendant Cardwell appeared with counsel in front of United States District Court Judge Skavdahl for an arraignment hearing. Defendant Cardwell entered pleas of not guilty. He was released on a \$50,000 O.R. bond. Additional conditions were placed upon Defendant Cardwell, including the surrender of his passport and that he not seek to obtain a new passport while this case is pending.

3. Trial for the Defendant is currently set to begin on September 18, 2012. Co-defendant Michael J. Plake is scheduled to appear in this Court to enter pleas of guilty on September 17, 2012.

4. On August 29, 2012, a warrant was issued for Defendant Cardwell for violating his conditions of pretrial release. On June 25, 2012, Defendant Cardwell applied for a U.S. Passport Book using the name of Paul D. Sappington, believed to be his birth name.

5. As of the date of the filing of this motion, the Defendant's whereabouts are unknown and he is currently a fugitive from justice.

6. With Cardwell a fugitive, there can be no trial in this matter. The Speedy Trial computation remains unaffected, as the time Defendant Cardwell spends off the grid is excludable. *See*, 18 U.S.C. § 3161(h)(3)(A). The government submits it is in the best interests of justice that the Court vacate the trial currently set for September 18, 2012, until Defendant Cardwell has been

apprehended and brought forth to this Court to answer to the Petition to Revoke Bond and the pending Indictment.

7. Counsel for the United States has conferred with one of Defendant Cardwell's attorneys, Mr. Robert York of Indianapolis, Indiana, and he has no objection to vacating the trial date.

**WHEREFORE**, the government respectfully requests the Court enter an order vacating the trial setting of September 18, 2012.

DATED this 11<sup>th</sup> day of September, 2012.

Respectfully submitted,

CHRISTOPHER A. CROFTS  
United States Attorney

By: /s/ Lisa E. Leschuck  
LISA E. LESCHUCK  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on September 11, 2012, a true and correct copy of the foregoing **MOTION TO VACATE TRIAL SETTING** was electronically served upon counsel of record through the CM/ECF filing system.

/s/Louisa G. Cruz  
For the United States Attorney's Office